

**Application No.:** 10/620,312  
**Filing Date:** July 14, 2003

## **REMARKS**

### **Pending Claims**

Claims 1-5 remain pending in the application. Claims 7-10 were previously cancelled. Claim 6 is cancelled with this response. Claim 1 has been amended as indicated above. No new matter has been added.

### **Claim Objection**

The Examiner objected to Claim 1 because of a typographical error, which has been corrected with this amendment. Applicant respectfully requests the Examiner's rejection be withdrawn.

### **Claim Rejections under 35 U.S.C. § 112, ¶1**

The Examiner rejected Claims 1-6 as failing to comply with the written description requirement of 35 U.S.C. § 112, ¶1.

First, the Examiner rejected Claims 1-5 stating that the limitation "wherein said pause is longer than any time interval between said electric pulses in said first plurality of pulses and said second plurality of pulses" is new matter. Although Applicant disagrees with the Examiner's rejection, to further prosecution of the present application Applicant has amended Claim 1 to recite the precise language of Original Claim 6, which also appears in the specification as filed on page 4 and which was not encompassed by the Examiner's rejection. More specifically, Claim 1 has been amended to recite "wherein said pause has a duration that is at least as long as twice the time interval between any two pulses in the first pulse series." As this language in amended Claim 1 complies with the written description requirement Applicant respectfully requests the Examiner's rejection be withdrawn.

Second, the Examiner rejected Claims 1-6 stating that the limitation "produced by one or more electrodes disposed within said sample well" is new matter. As noted above in the amendments to the claims Applicant has amended Claim 1 to recite "produced by one or more pairs of electrodes disposed within said sample well." Support for this limitation can be found, for example, on pages 21-24 of the specification as filed. As this language of amended Claim 1 complies with the written description requirement Applicant respectfully requests the Examiner's rejection be withdrawn.

**Application No.:** 10/620,312  
**Filing Date:** July 14, 2003

**No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.


**CONCLUSION**

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of these remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/22/09

By:   
Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No. 20995  
(619) 235-8550

6791491  
031109